

MINUTES OF THE CITY PLANNING COMMISSION SPECIAL MEETING

**OAKLEY COMMUNITY CENTER
3882 PAXTON AVENUE
March 20, 2003
7:00 PM**

Present: Appointed Members: Terry Hankner, Caleb Faux, Peter Witte, Jackie McCray; Councilmember Tarbell; Community Development and Planning Staff: Peg Moertl, Director; Steven Kurtz, Administrator, Land Use Management

Ms. Hankner called the meeting to order.

DISCUSSION:

REPORT ON A SITE DEVELOPMENT PLAN FOR THE R-5(T) MULTI-FAMILY MEDIUM-DENSITY TRANSITION DISTRICT IN THE VICINITY OF MARBURG, RIDGE, ALAMO AND IBSEN AVENUES IN OAKLEY BY AMENDING ORDINANCE NO. 215-2002.

REPORT TO REZONE PROPERTY IN THE VICINITY OF MARBURG, RIDGE, ALAMO AND IBSEN AVENUES IN OAKLEY FROM R-5(T) MULTI-FAMILY MEDIUM-DENSITY TRANSITION DISTRICT TO THE B-3 RETAIL-WHOLESALE BUSINESS DISTRICT.

Peg Moertl explained how the ordinances got to the City Planning Commission. Ms Moertl asked David Efland to walk through the facts of the provisions of the two ordinances.

David Efland, Senior City Planner stated that the first ordinance is to approve the site development plan currently zoned R-5(T) that is bounded by the area of Alamo, Ibsen, Marburg and Ridge Avenues. This ordinance is for the second phase of the Center of Cincinnati retail development. The site development plan would call for three retail parcels known as Circuit City with parking in front and parking for PetsMart in front as well. Recited a portion of Section 1477-413 of the Zoning Code requiring the Director of Buildings and Inspections to conduct a hearing on every application for transition district use with a development plan. A hearing could be waived pursuant to Section 1477-414 of the Cincinnati Zoning Code. Section 1477-414(B) of the Cincinnati Zoning Code states that the Director of Buildings and Inspection may waive the public hearing required by said Section 1477-413 on an application for a transition district use with a development plan if the director determines that the plan conforms to a site

development plan specifically approved by both the City Planning Commission and City Council. If the City Planning Commission disapproves the development site plan the next step for the applicant is to request a regular transition zone hearing before the Director of Buildings and Inspections as was done for the Home Expo site.

The second ordinance would change the current R-5(T) District to a B-3 Business District. The zone change to B-3 would allow the development to substantially continue in the way it is proposed.

Steven Kurtz, Administrator of Land Use Management, stated that if the City Planning Commission should disapprove the zone change and the site development plan, the City Council could overturn the disapproval with a two-thirds majority vote. Mr. Kurtz acknowledged that approving the site plan would amend the guidelines that have been adopted for this area.

Caleb Faux suggested that the ordinances be dealt with separately.

Peg Moertl stated that there is no recommendation by the staff, but that she would be glad to make some remarks after the presentation from the staff's perspective.

PROPONENTS

Marty Butler, is representing the applicant. Passed out a packet to the Commission members and administrative staff. Stated that there is continuity in this development and the tenants made every effort to be responsive to the city's guidelines and recommendations to add some additional architectural features. To respond to those recommendations, instead of flat facades the facades are intermittently stepped back. Stated that if the site development is approved by the City Planning Commission, the amended guidelines would only be for Phase 2B. The economic impact of the project will create 1,250 new jobs, income tax is estimated to be \$622,125 and the property tax is estimated to be \$1,946,000.

The site is approximately a 5.0-acre parcel located on Alamo Avenue and the southwest corner of Alamo and Ridge Avenues. This area is in transition; the properties along Ridge Road across from this development between Alamo and Ibsen have been converted to an office or commercial use.

A plan in the packet shows a Circuit City and an 8,625 square foot building called Retail 'C' for an undetermined retail tenant and the PetsMart. The Circuit City parcel is approximately a 3.45-acre parcel and PetsMart is a 1.59-acre parcel. The proposed use is retail. The proposed uses are permitted under the B-3 Retail-Wholesale Business District. Subarea 4 contains 668,210 acres of land and is subject to future review. R-5(T) height limitation is 85 feet, Circuit City will be 40 feet, PetsMart will be 31.5 feet and Retail C will be 35 at their highest projections. There is sidewalk continuity throughout the project and all utilities will be underground.

Bill Davin, Vandercar, stated there will be new improvements to the landscaping with up lighting under all the trees in the right-of-way along Alamo, Marburg and Ibsen and a none standard city street fixture. Landscaping will continue around the perimeter of the entire site. Tried to buffer the area along the public streets and especially along Jerusalem Judson Meadows and along the east and south side of PetsMart. Renderings showed the five and ten-year growth of the trees.

Mr. Butler stated that the setbacks are all positives and some of the setbacks exceed the requirements of the existing guidelines. The traffic impact study is the same study utilized for Expo as it took this phase into consideration. There is continuity on the ground floor transparency. There will be 333 parking spaces, Circuit City will have 170 spaces which provides a ratio of 5:1, Retail 'C' will have 75 spaces providing a ratio of 8.71:1 and PetsMart will have 88 spaces providing a ratio of 4.6:1.

Traffic circulation will remain the same as approved for the Expo development. There will be no new curb cuts in this phase of the development.

Mr. Butler stated that signage for Circuit City and Retail C is one-third of what is permitted and signage for PetsMart is 50% of what is permitted. Mr. Davin gave the location of the monument sign on the perimeter of the development.

Mr. Davin stated that it is Vandercar's request to have approval of the site development plan.

Mr. Tarbell questioned why the date on the drawings is after the date of the application. Mr. Davin responded that when Mr. Booth presented this site development to City Council we were asked to follow up with additional drawings to support the development.

Mr. Tarbell asked if the \$622,000 annual income tax is net. Mr. Butler responded that it is net.

Mr. Faux asked how many of the 1250 new jobs and the \$622,000 annual income tax is coming from Circuit City and PetsMart. The chief financial officer for Vandercar stated that the number of new employees at Circuit City, PetsMart and Retail C is estimated to be 200 and can get the breakdown for the annual income tax.

Mr. Tarbell stated that there are two different issues: issue of highest and best use and an issue of design and density features of the real estate. Would like to know if 75 – 80% of the new jobs are first entry jobs is an accurate interpretation.

Jackie McCray asked if this is a new Circuit City or a relocation. Mr. Butler responded that this Circuit City is a relocation from Highland and Ridge.

Mr. Faux stated that a year ago, this Planning Commission adopted T-zone guidelines that applied to this development site. In Mr. Langevin's approval of the Home Depot Expo, he specifically and explicitly said that any further development of the site should conform to the guidelines as adopted by the City Council and the Planning Commission. Would like to know how this development differs from the adopted guidelines and a good reason from the applicant why the Planning Commission should approve this site development plan.

Mr. Butler responded that the site development plan is substantially compliant with the guidelines presented at the time of the Home Depot Expo. Ms. McCray asked what are the plans to comply with the 15% residential for Site 4. Mr. Davin responded that there are opportunities for development south of Jerusalem Judson Meadows but there are no plans for development at this time.

Martha Kelly, Transportation and Planning, confirmed that given the offset nature of Disney at Marburg Avenue, the only reasonable location for the widening of Ibsen is on the south side of the street for the entire length of the street. The block between Marburg and Ridge is not long enough to meander a street through that area.

Mr. Faux stated that in the staff's report there are at least eight items noted that do not comply with the guidelines. The guidelines were adopted to get the maximum development benefit from this redevelopment site. Mr. Faux thinks that this is the city's most valuable redevelopment site in the City of Cincinnati and that this site development plan is mediocre.

Mr. Butler stated that at the time the guidelines were adopted a mixed-used development was being worked on at that time and was presented to the Planning Commission by planning staff. The city was unwilling to take property and Vandercar was not able to acquire the property at the time. Due to the nature of Vandercar's largest tenant, the plan changed.

Randy Welker, Greater Cincinnati Chamber of Commerce, stated that he is in support of this economic development project. Two years ago, he wanted to preserve the jobs, include this area in a TIF and preserve industrial land, which was not done. As a result, the land was not usable and could not be sold. The city needs to change with the changing of economics. Feels disturbed that the city wants to beat up on a developer who is willing to take a risk to develop in a community. Mr. Tarbell agrees that the city did not come forward quickly. There were commitments for a mixed-use development and then the city was told that certain things could not happen. Mr. Faux agrees that the city moves too slowly and that the city must change.

Kathy Roach, 4808 Calvert Street, 45209, stated that she agrees with what has already been stated.

Bill Vitale, 2785 Ridgewood Avenue, 45213 owns property at Calvert and Browning and thinks that residential does not make any sense for the area anymore, the expressway is too close, problems getting tenants and the buildings are old and run down. Feels if this development is not approved, it will cause a hardship for those who own property in this area.

Kevin Moeller, 6238 Rogers Park Place, 45213, property owner on Browning. Those streets are an injustice to the area and are an eyesore and it is obvious that it is an unfinished development. Vandercar paid us a fair price for our property. Feels if the city tries to dictate what kind of development can be built on this site is an injustice.

OPPONENTS

Susan Doucleff, 3314 Alicemont Avenue, 45209, President of the Oakley Community Council opposes both ordinances. Ms. Doucleff stated that as aesthetics goes up, crime goes down. In the Mayor's State of the City speech he stated that two of his goals are for a safe and clean city. Safety is critical in this area. Read a statement into the record.

Beth McFarlane, 3143 Auten Avenue, is a registered architect and lives in Pleasant Ridge. Stated that Oregon and Vermont and other towns that have very strict standards have increased their property values and have higher quality of life and a higher quality of economic development by adhering to those standards. Would like to see something like Easton in Columbus developed in this area. There is a lot of architectural detail on the main street in Oakley that could be drawn from in the development.

Jim Schrimpf, 3338 Alamo Avenue, 45209, has owned an apartment house on Alamo Avenue for 22 years directly across the street from this development. Business couldn't be better, people like Oakley and the development, in particular, the Target store. Further housing would be better in this area than a sea of blacktop. Thinks this development is not the best use of this property. Mr. Schrimpf would like to see more residential design in the area.

Mr. Tarbell asked Mr. Schrimpf what the rent per unit is compared to a year ago. Mr. Schrimpf responded that the rent rose about 25% compared to last year or \$425 per unit. Mr. Tarbell asked Mr. Schrimpf if he could afford to purchase land around him and build a new building. Mr. Schrimpf responded that he probably could not.

Mitchell Smith, 2324 Madison, 904, 45208, agrees with what has already been stated.

Lee Wright, 4791 Ridge Road, 45209, feels that R-5 zoning has not been given a chance to work and now the zoning is proposed to be changed again. Need higher paying jobs and take care of all of Oakley and not just this area.

Glen Brand, 309 Ludlow Avenue #30, 45220, Midwest Regional Representative of the local Sierra Club based in Cincinnati. On behalf of over 4,000 Sierra Club members, we urge the City Planning Commission to reject this development and not overturn the current city guidelines. The Oakley Community Council, the City Planning Commission, the City Council and the developer have already agreed that the best use for this site is a mixed-use pedestrian oriented development and not more big box development as is now being proposed. Asked the Planning Commission if big box development with its automobile oriented and pedestrian unfriendly design, huge surface parking lots and a threat to existing main street businesses is appropriate for Cincinnati neighborhoods. The residents living in the urban core want and expect the advantages of urban life. The residents of Oakley want to maintain and enhance the urban character of the city.

Mr. Faux feels it is important to note that it has been more than 35 years since the City Planning Commission has taken its meeting to a neighborhood for the residents to voice their opinion. Mr. Faux stated that he thinks that this particular issue is setting a precedent, not just for these two parcels, but also for redevelopment of sites across the City of Cincinnati.

Katie Carroll, 4325 Brownway, 45209, stated that this plan does not fit the parameters of the urban renewal plan. Ms. Carroll stated that the numbers are impressive for new jobs created and city income tax revenue, but the numbers certainly do not match the numbers in Mr. Booth's letter. Urges the Planning Commission to bring the voices of the community to City Hall and let them speak loudly.

Joan Friedland, 5911 E. Woodmont Avenue, 45213, resides in Pleasant Ridge. There are buildings with no tenants and is tired of "musical buildings."

Jon Doucleff, read the Oakley Community Council's letter opposing both ordinances into the record.

Pete Witte asked if the whole Oakley Community Council voted. Mr. Doucleff stated that the Board of Trustees is a representative body for the community as is the City Council for the City of Cincinnati. The community holds elections every three years for positions in the community council.

Mr. Faux asked why the appeal by the community council was not carried forward. Mr. Doucleff stated that the appeal was withdrawn on the urging of a legal member of the community council due to threats of legal action against the community council and its members individually.

Emanuel Marshall, 980 Venetian Terrace, 45224, is from College Hill and resides in Winton Hills. Suggested that an aggressive housing project be pursued. Need housing outside of Over-the-Rhine. Need to adhere to strict regulations to create a city where people want to live. Opposed to this development.

Kathy Helmbock, 4021 Paxton Avenue, 45209, is a 22 year resident and homeowner in Oakley. Ms. Helmbock is appalled at what is happening in Oakley.

Dave Schaff, 3814 Drake Avenue, 45209, mentioned that the residents of Oakley appreciate the Planning Commission coming to the neighborhood. Mr. Schaff is a member of the Board of Trustees of Oakley Community Council and works for Todd Portune, County Commissioner. He has resided in Oakley since 1978, left for college, lived in Over-the-Rhine and decided to move back to Oakley with his wife because they appreciate the quality of life in Oakley. Young professionals move to Anderson and Mason because of education and housing, but they desire the quality amenities that communities such as Oakley have to offer. Mr. Schaff asked the Planning Commission to remember the majority of Oakley's desire to reject this proposal and hopes that the Commission strongly recommends to Vandercar Properties that they take a look at the urban renewal plan and get back on track.

Leanna Murphy, 3543 Harrow Avenue, 45209, has lived in the neighborhood for 11 years. Ms. Murphy is a small business manager and manages a market research company in Mt. Lookout Square. Applauds the guidelines because it causes the community, developers, business owners and property owners in and out of the neighborhood to work together. Working together we can come up with a higher standard versus settling with something to occupy the land. Ms. Murphy does not support this plan.

Joe Lammert, 4548 Orkney Avenue, 45209, moved to Oakley ten years ago; three years as a renter and the last seven as a property owner. Thinking of moving outside the city all together because he does not like what he sees. Feels there is not a need for the retail that is within five miles of his residence.

John Heilman, 4141 Club View Drive, 45209, member of the Board of Trustees of the Oakley Community Council. Opposed to the development. This development makes up about 20% of Oakley and is a major impact on the community. Oakley wants a livable, walkable, enjoyable community where we can get around, have a good time and raise our families.

Jim Frank, 4119 32nd Avenue, 45209, stated the guidelines should not be amended and the zoning should not be changed.

Nina Gandee, 2324 Madison Road, 45208, Opposed.

Kent Arnold, 455 Delta, 45226, sat on the steering committee of the Oakley Community Council and helped design and implement the urban renewal plan. Mr. Arnold is a developer and is working on developing the 72-acre complex known as the Millworks. Mr. Arnold stated that he is not an anti big box retailer. The upgrades of the facades that were presented are above and beyond the prototypes. Thinks this will be an asset to the Millworks. The property he is developing was in the Oakley North study area but was not a part of the transitional zoning area, but we have gone through great lengths to

insure that the type of development that we have requested is in the transitional zoning guidelines which includes mixed-use, some retail, entertainment and a very large office component all integrated together. Agrees with a number of the comments that have been made. Mr. Arnold thinks the Home Depot project set a precedent and the proposal before us tonight is in keeping with that precedent.

Ms. Moertl stated that it is very clear that the area in question has already transitioned and when the first phase of the project came it was a surprise to some residents and represented a distinct change from the previous land use. At this time, there is a broader area involved than the guidelines applied to and deserves a careful review and a rezoning at this point. Staff has not had time for analysis from the time this ordinance was introduced on March 5. There is a certain amount of due diligence that needs to occur with the guidelines and the site plan approval. There have been meetings with Transportation and Engineering and the planning staff to offer a considered opinion. The site approval would allow the development to go forward but would keep the guidelines in place on the remaining site so there would be a preservation for now while considering what the wider zoning should be for long term solutions.

Ms. Hankner clarified that if pressed for a recommendation, Ms. Moertl's recommendation would be to approve the site plan as part of the larger transition zone and not to rezone. Ms. Moertl responded not to rezone at this time.

Mr. Faux asked Ms. Moertl if she thinks by approving the site plan that the guidelines would be retained. Ms. Moertl responded that she thinks the guidelines would be modified. Mr. Faux feels strongly that if either ordinance is approved we fail to hold faith not only with the community of Oakley but the citizens of Cincinnati who have hopes for something other than a demonstration that we take our best site and do a mediocre development.

Mr. Tarbell stated that he hopes there is some middle ground here; if the 15% residential component were included that would be a strong point for his consideration. Mr. Butler stated that given the price of the land it is very difficult if not impossible to do residential.

Mr. Tarbell asked what the developer is able to contribute to comply with the guidelines. Mr. Butler felt that would be a rather lengthy discussion.

Mr. Tarbell stated that he would like to think there is some middle ground. If staff and the developer work together to provide acceptable additional landscaping and building articulation, that would support a favorable decision by the Commission.

Motion: Ms. McCray moved to approve the site development plan for Phase 2B of the Center of Cincinnati.

Second Mr. Witte

Mr. Faux understands Ms. McCray's sentiments, but cannot support the motion.

Mr. Tarbell recommended tabling this and asking Council to indulge the Planning Commission for two weeks to find the middle ground.

Ms. Moertle pointed out that there has been a duly noticed public hearing advertised for Tuesday, March 25, 2003 before the Neighborhood and Public Services Committee of City Council. Ms. Moertl suggested that the hearing could be open to testimony and continued at the discretion of the Chair of the Neighborhood and Public Services Committee who is Mr. Booth.

Mr. Tarbell suggested that the Planning Commission recommend that the Neighborhood and Public Services Committee hold any decision of Council until after the next Planning Commission meeting on March 28, 2003.

Motion: Ms. McCray moved to remove the motion.

Second: Mr. Witte

Motion: Mr. Tarbell moved to table the discussion until March 28, 2003 and make a specific request to City Council to refrain from making a decision on this matter to allow the Planning Commission to engage in further discussion.

Second: Mr. Faux

Vote: Ayes, (5-0), motion carries.

Motion: Ms. Hankner moved for the second item to go along with the first.

Second: Mr. Witte

Vote: Ayes (5-0), motion carries.

ADJORNMENT

With no further business to consider, the meeting was adjourned.

Margaret M. Moertl, Director
Community Development & Planning

Terry Hankner, Pro Tem Chairman

Date: _____

Date: _____